

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION

United States Courts  
Southern District of Texas  
FILED

MAY 17 2024

Nathan Ochsner  
Clerk of Court

UNITED STATES OF AMERICA

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§

v.

CRIMINAL NO. V-22-95S(3)

BERNICE ANNETTE GARZA

**STIPULATION OF FACTS**

The defendant BERNICE ANNETTE GARZA, and Ron Barroso, the defendant's counsel have agreed to stipulate with the United States Attorney for the Southern District of Texas, Alamdar S. Hamdani, through the undersigned Assistant United States Attorney, to the following facts. The parties agree that these facts are sufficient to establish a factual basis for the defendant's plea, pursuant to Fed. R. Crim. P. 11(b) (3).

I.

The defendant confesses that within the Southern District of Texas between on or about June 1, 2022, to on or about December 7, 2022.

- 1) That the defendant, BERNICE ANNETTE GARZA and at least one other person, made an agreement to commit the crime of knowingly transporting an illegal alien within the U.S. in furtherance of the alien's unlawful presence.
- 2) That the defendant, BERNICE ANNETTE GARZA, knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose; and,
- 3) That the defendant, BERNICE ANNETTE GARZA, during the existence of the conspiracy knowingly committed some act in furtherance of the conspiracy which included driving the vehicle that was used to transport aliens that had come to, entered or remained in the United States in violation of the law.

II.

The defendant further stipulates that had the case proceeded to trial the United States would have called credible witnesses who would have testified that:

On December 7, 2022, Victoria County Sheriff's Office (VCSO) Highway Interdiction Units were conducting traffic enforcement operations on U.S. Highway 59 when they observed a 2015 Chevrolet minivan passing their location. A few miles outside of Victoria, TX city limits, VCSO Interdictor Deputy Andrew Carrizales would testify to the following, he performed a motor vehicle traffic stop on the 2015 Chevrolet minivan for violations of Texas Transportation Code 547.609 (Requiring one label for each vehicle regardless of how many windows had sun screening devices applied to them). This 2015 Chevrolet vehicle is registered to the 229<sup>th</sup> District Attorney's Office in Rio Grande City, Texas, and had a District Attorney's Office emblem on the side of the vehicle. VCSO Interdictors had previously received information that this vehicle was making numerous unauthorized trips to the Houston area and was suspected of being involved in some type of criminal activity on these trips.

Initially upon contact, Deputy Carrizales noticed that a backseat passenger, later identified as Defendant JUAN ANTONIO CHARLES (CHARLES), was trying to overtake him, answer the questions being asked of the driver, and insisted the Deputy go back to his vehicle to run the insurance. The driver of the vehicle, later identified as Defendant MAGALI ROSA(ROSA), gave contradicting information about her employment, her use of the van, and insisted several times that the District Attorney (DA) of Starr County was Defendant BERNICE GARZA(GARZA). It was only after Deputy Carrizales looked up the Starr County District Attorney's website that ROSA admitted the District Attorney was not GARZA. ROSA stated that the backseat passenger, Defendant JUAN ANTONIO CHARLES, was her husband and that

he had a gun in his possession. Deputy Carrizales found it suspicious ROSA was transporting her husband in a government vehicle, and that he would have gun on his person under these circumstances.

Deputy Carrizales would testify that he observed odd or nervous behaviors in the other passengers in the vehicle. All four of the passengers were wearing what appeared to be brand new clothing and shoes. The front seat passenger, later identified as Brenda Moreno-Rosales, told Deputy Carrizales that she was a victim, and about a court date in a manner that Deputy Carrizales described as “rehearsed”. While Deputy Carrizales was speaking with Ms. Moreno-Rosales, he noticed her carotid artery was visibly pulsating. Deputy Carrizales also spoke with another passenger identified as Jose de Jesus Gualajara-Carrillo and stated during this interaction Mr. Gualajara-Carrillo was visibly trembling. Given all these facts, Deputy Carrizales suspected some of the passengers in the vehicle to be undocumented aliens and requested Homeland Security Investigation (HSI) Agents to respond. HSI Special Agents (SA) Renee Tuinstra and Jacob Moya responded to the location of the traffic stop and it was determined that four of the individuals in the vehicle were not citizens and nationals of the United States, nor had they requested or been granted permission to legally enter, stay or reside in the United States.

MARI CRUZ ROSA (CRUZ ROSA) would testify the undocumented aliens were taken to the house shared by Defendants ROSA, CRUZ ROSA, and CHARLES where they would stay for a couple of days until they were ready to make a trip north. In addition to harboring the undocumented aliens, they would take additional money to purchase new clothes for the undocumented aliens.

Further checkpoint crossing records, phone tolls, and conversations between the Defendant BERICE GARZA and the other defendants supports the statements given by Defendant MAGALI ROSA.

Defendant JUAN ANTONIO CHARLES confirmed the details in ROSA's statements about today's trip, including GARZA's involvement, consent for them to take the government vehicle, providing the fraudulent papers, and the past trips in which they had engaged in human smuggling in the government vehicle.

CHARLES later admitted that they have involved in human smuggling with GARZA for approximately four months, making 2-3 trips a week and transporting 3-4 undocumented aliens on each trip. ~~CHARLES said that it was usually his wife ROSA that GARZA made the plans with, and that the undocumented aliens paid them when they arrived in Houston, but that GARZA has sent him money for his role in the human smuggling via a wire transfer service on at least one occasion.~~ 

CHARLES further admitted that Defendant BERNICE GARZA is the person involved in smuggling the undocumented aliens with him and ROSA, and she was the person that provided the government vehicle to them.

~~CHARLES claimed they made approximately 46 trips to Houston in the District Attorney's Van and made \$3,000 USD per person smuggled:~~ 

CRUZ ROSA would testify that when the trip to Houston could be arranged, Defendant GARZA would come in the government vehicle and pick up ROSA and the undocumented aliens and proceed north. On the trips that GARZA returned to Roma after driving the aliens through the Hebbronville Checkpoint, CRUZ ROSA would drive GARZA back.

Jose De Jesus Gualajara-Carrillo, is a Mexican National, born in Jalisco, Mexico. He claims that he Illegally entered the United States by crossing the Rio Grande River near Reynosa, Mexico (Pharr, Texas) four days prior on December 3, 2022. Gualajara claimed he paid between

\$8,000 and \$9,000 USD to be smuggled into the United States. After crossing, he was transported to a stash house where he stayed four days with a female caretaker of the stash house who he estimated was 37-38 years of age. While there he provided the caretaker money to go out and purchase a new set of clothing for him. This morning, (December 7, 2022) Gualajara was loaded into a vehicle where a woman was driving, and a man occupied the front passenger seat. Gualajara stated that during the trip, the male passenger told the smuggled undocumented aliens that they were going to “house for victims”, “or safe house”, located in Houston, Texas.

Oscar Armando Mendoza-Villalta is a Honduran national from the city of Tegucigalpa. He has been residing in Monterey, Nuevo Leon, Mexico, just prior to crossing the Rio Grande River, illegally entering the United States near Hidalgo, Texas approximately three days ago. He believes that his family paid about \$10,000.00 for him to be smuggled into the United States. He was transported to a stash house where he remained until this morning. This morning, he and other subjects in the house were loaded into a vehicle that was being driven by a woman and had a man in the front passenger seat. Both smugglers spoke English and Spanish. As they traveled the man and the woman had them practice learning to say “yes” and “yes”, sir in the English language, in preparation for being asked if they were U.S. Citizens as they passed through the Border Patrol check point. When the vehicle was stopped by law enforcement, the female driver was asked to exit the vehicle and speak with the officer. At that time, the male in the front passenger seat told the smuggled undocumented aliens not to worry, as they get stopped all the time. He then coached them that, if they should state that they were being transported to be witnesses in Court.

The third and fourth smuggled aliens were identified as Brenda Veronica Moreno-Rosales and her minor child ( 8 years of age).

The undersigned have thoroughly reviewed, understand, and agree that the information contained in this Stipulation of Fact is true and correct.

  
BERNICE ANNETTE GARZA  
Defendant  
  
Ray Bawardi  
Attorney for Defendant

5/11/24  
Date

5-17-24  
Date

ALAMDAR S. HAMDANI  
UNITED STATES ATTORNEY

By: Patti Hubert Booth  
PATTI H. BOOTH  
Assistant United States Attorney